



US Army Corps
of Engineers
Seattle District

Department of the Army Regional General Permit – 4



Piling, Floats, Ramps, Piers, Minor Fills, and Bank Stabilization in the Pend Oreille River and Lake Chelan, in the State of Washington

Effective Date: July 25, 2005

Expiration Date: July 24, 2010

Permit Number: CENWS-OD-RG-RGP-4

Authority: In accordance with 33 CFR 325.2(e)(2), the U.S. Army Corps of Engineers (Corps) is establishing a Regional General Permit (RGP-4) that would authorize certain activities in or affecting waters of the United States, including navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

Issuing Office: U.S. Army Corps of Engineers, Seattle District
Regulatory Branch, CENWS-OD-RG
Post Office Box 3755
Seattle, Washington 98124-3755
(206) 764-3495

Purpose and Location: The purpose of RGP-4 is to authorize the maintenance of existing structures and the installation or construction of piling, floats, ramps, piers, minor fills, and bank stabilization in the Pend Oreille River and Lake Chelan, in the State of Washington

Use of RGP-4: To use RGP-4, a prospective permittee must first notify the Corps of the proposed work in accordance with the application procedures in this RGP. ***The proposed project is not authorized under this RGP, and work may not commence, until the District Engineer or his designee has issued written notification that the proposed project appears to meet the requirements of RGP-4 and is authorized.*** The permittee is responsible for ensuring that the authorized structures and/or activities comply with all applicable provisions of this RGP, including any project-specific special conditions that may be added by the District Engineer. Failure to abide by the requirements of this RGP may constitute a violation of the Clean Water Act and/or Rivers and Harbors Act. For purposes of this RGP, the term “permittee” shall include all successors in interest.

This RGP contains provisions intended to protect the environment, endangered species and cultural resources. Work that will not comply with these provisions is not authorized by this RGP and may require Department of the Army authorization by a standard individual permit. Moreover, compliance with the provisions of this RGP does not itself guarantee that the work is authorized by this RGP. Activities that appear to comply with the provisions of this RGP but would have an unacceptable adverse impact on the public interest are not authorized.

Activities authorized by RGP-4: Work authorized by RGP-4 is limited to the activities described below. RGP-4 authorizes the following work in or affecting the Pend Oreille River and Lake Chelan within the State of Washington:

- a. Maintenance of any work authorized by this Regional Permit or any over water structure authorized by a previously issued Department of the Army permit, provided the work complies with all Special and General Conditions of this RGP.
- b. Drive float anchor piling for noncommercial use.
- c. Install floats with or without access ramps for noncommercial use.
- d. Construct small piers for noncommercial use.
- e. Discharge of a total of 10 cubic yards of material for all pile footings combined.
- f. Discharge of fill material for minor bank stabilization projects.
- g. The placement of large woody debris and associated discharges of dredged or fill material if such placement is a condition of a hydraulic project approval issued by the State of Washington Department of Fish and Wildlife for any of the types of work listed in a. through f. above.

Construction Limitations: Activities authorized above are limited by the following conditions. In addition, activities must comply with the Special and General Conditions beginning on page 6.

Maintenance:

1. Any maintenance performed on an authorized structure shall not change the size or configuration from that which was originally authorized unless the changes are environmentally beneficial and reduce the size of the structure.
2. No paint, stain, preservative or other protective coating application shall occur while the structure is in or over the water body, and any such application shall be completely cured prior to the structure being returned to the water. (Also refer to Special Condition 8.)

Piers and Floats:

1. This permit authorizes only one pier and/or float system, including an access ramp if necessary, per upland private property. This property must front the navigable water. Submerged structural components of piers, ramps and floats, including framing and cross-bracing shall be minimized to that which is required for structural stability.
2. This permit authorizes joint-use piers and/or floats constructed by more than one private property owner fronting the shoreline. All joint-use properties shall front the waterway. All affected joint-use property owners must sign a legal agreement to construct a joint-use pier or install floats. At a minimum, the agreement shall include a statement from each property owner that they voluntarily agree to build no overwater structures on their property except for the maintenance or modification of the joint-use overwater structure which is the subject of the permit application. A copy of this agreement must be submitted with the application.

3. Piers and/or floats shall not extend more than 55 feet waterward (toward the middle of the waterway) of the ordinary high waterline. A float system must be held in place by piling or other fixed structures, and may be made up of more than one individual float.
4. Only open pile pier construction is authorized. Piling shall be structurally sound and cured prior to placing in the water. (Also refer to Special Condition 8.)
5. Total deck area of pier(s), float(s), ramp(s), and existing structures waterward of the ordinary high waterline shall not exceed 320 square feet for each single use structure. Total deck area of pier(s), float(s), ramp(s), and existing structures waterward of the ordinary high waterline, shall not exceed 450 square feet for each joint-use structure. The width of any individual section of deck shall not exceed 8 feet for floats and piers, and 4 feet for ramps. Decking shall be installed so that a minimum ½ inch space is left between deck planks.
6. Floats shall be designed so as to contain the flotation material under all conditions.
7. No other structures or shading objects such as living quarters, toilets, fueling facilities, carpeting or covered boat moorage shall be constructed or installed on any pier or float under this RGP.

Piling:

1. Fill around piling may only be used when the condition of the substrate prevents the use of driven piles. Fill material is limited to clean rock and concrete. The total amount of fill used to secure all piles associated with a structure shall not exceed 10 cubic yards, but is limited to the minimum amount necessary to secure the piles. Concrete footings must be poured in the dry when possible and always in tightly sealed forms.
2. Piling shall be driven within 55 feet of the ordinary high waterline.
3. Piling shall be structurally sound and cured prior to placing in the water. (Also refer to Special Condition 8.)
4. For impact pile driving of steel piles 10 inches in diameter or less, a block or layers of wood at least 6 inches thick between the pile driver and pile or a bubble curtain shall be used during driving. For steel pile greater than 10 inches in diameter, both 6 inches of wood between pile driver and pile, and a bubble curtain shall be used during driving.

Bank Stabilization:

1. No material is placed in excess of the minimum needed for erosion protection.
2. The bank stabilization activity does not exceed 250 feet in length.
3. The activity does not exceed an average of one-half cubic yard of material per running foot placed along the bank below the plane of the ordinary high water mark.
4. No material is placed in wetlands or in a manner that will be eroded by normal or expected high flows.
5. All work associated with a bank stabilization activity must be completed in the dry, when the elevation of the water surface is below the elevation of the proposed work.

6. Properly installed and maintained silt fencing must be used between the construction area and the water surface, and removed when construction is complete.
7. Bank stabilization activity must incorporate least environmentally damaging bank protection methods that include, but are not limited to, biotechnical design, and native vegetation plantings.
8. The bank stabilization activity must be part of a single and complete project.

Application Procedure: Authorization under this RGP requires that prospective permittees notify the Corps of the proposed work in accordance with the application procedures described in this section and shall not proceed with the proposed work until the District Engineer or his designee issues written notification that the proposed project appears to meet the requirements of this RGP and is authorized. To notify the Corps of a proposed project that may qualify for authorization under this RGP, the prospective permittee must submit the following information:

1. A complete written application that fully describes the proposed work and clearly demonstrates to the Corps that the work would meet the requirements of this RGP. The Corps does not require that the applicant use a specific application form for this RGP but recommends the Joint Aquatic Resources Permit Application (JARPA) form approved for use in Washington State. A non-JARPA application must include the same basic information requested in the JARPA and any additional information necessary to address RGP-specific requirements. A “complete application” also includes: (a.) appropriate plan, profile, and cross-section drawings of the proposed work and structures, (b.) estimates of the volume of each type of material that would be discharged (temporarily or permanently) into waters of the United States and (c.) photos of the existing shoreline depicting the project area. (Refer to “Guidance for Completion of Drawings” included in the Corps’ JARPA instructions.) Include in the application the title or permit number of the RGP being requested to authorize the project.
2. Information that clearly identifies the location and extent of waters of the United States in the project area, particularly those that would be affected by the proposed work. This information (e.g., ordinary high water line, wetland boundaries) should be included in the project drawings where practicable, but may also be the subject of a separate drawing or report. Wetland delineations must be conducted using the 1987 *Corps of Engineers Wetland Delineation Manual* (Corps, Waterways Experiment Station, Wetlands Research Program Technical Report Y-87-1, January 1987). An on-line edition of the manual, including supplemental guidance from the Corps, is available at <http://www.wes.army.mil/el/wetlands/wlpubs.html>.
3. As applicable, a compensatory mitigation plan that describes the actions the permittee would take to restore, enhance, protect, and/or replace the aquatic ecosystem functions that would be lost as a result of the of the proposed work. The critical elements of a compensatory mitigation plan include a statement of the specific goals and objectives of the plan; detailed descriptions and drawings of the proposed construction, grading, and planting activities; provisions for monitoring and reporting on the progress of the plan’s implementation; performance standards that measure the ecological success of the plan; a long-term mitigation area management plan, including a vegetation management plan; and any necessary protective covenant, such as a deed restriction or conservation easement. For over-water structures in Lake Chelan, see Special Condition 4.
4. For activities that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places, the notification must include a description of each historic property that may be affected by the proposed work and a map indicating the location of the property.

5. Any other relevant information, such as information on local hydrology, and a description and location of any off-site borrow or disposal site that would be used.

Water Quality Certification: EPA water quality certification is considered waived for that portion of the Pend Oreille River within the Kalispell Indian Reservation. Ecology issued water quality certification on September 30, 2003, subject to four conditions. The conditions imposed by the Washington State Department of Ecology's water quality certification as listed below are hereby made conditions of RGP-4.

a. Wetlands adjacent to authorized work areas shall be protected from construction impacts. Construction fencing or flagging (using brightly colored tape at no less than twenty-five foot (25') intervals) of the existing wetlands and stream channels shall be completed prior to clearing. All project staff shall be trained to recognize construction fencing or flagging that identifies wetland boundaries. Equipment shall not be moved into or operated in wetlands or stream channels that are not authorized to be filled or otherwise impacted.

b. When placing new piling or footings, no existing shoreline or lake material (i.e. logs, rocks, gravel, cobbles, woody debris or other lakebed material) shall be relocated or used as bulkhead armor, as fill, or for any other purposes, except that lakebed material located exactly where new pilings and footings are to be placed may be relocated.

c. Wash water containing oil, grease, or other hazardous materials from wash down of equipment or working areas shall be contained for proper disposal and shall not be discharged into state waters or storm drains.

d. Introduction of noxious (i.e. non-native) weeds shall be minimized and their growth controlled on and around any in-water or over-water structures (such as pilings, floats, ramps, piers.) Noxious weed cover greater than 10 percent in disturbed upland areas shall trigger noxious weed control efforts.

Endangered Species: The Endangered Species Act of 1973 (ESA), as amended, requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS), pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The Corps has determined that activities that would be authorized by this RGP may affect federally listed species and, therefore, consulted with the USFWS. USFWS concurred with the findings of the Corps' Biological Evaluation on May 10, 2003. The Action area for RGP 4 is not used by species under NMFS's jurisdiction. Therefore, the Corps did not consult with NMFS.

PERMIT CONDITIONS: Department of the Army authorization under this RGP is subject to the following special and general conditions beginning on page 6.

SPECIAL CONDITIONS

1. Work Windows. In-water work that disturbs the substrate, bank, or shore of a water of the United States shall be conducted only during the following work windows to minimize the impacts to fish and wildlife:

a. For The Pend Oreille River work without impact pile driving:

1. Work located within $\frac{1}{2}$ mile of an active bald eagle nest shall only occur between August 15 and September 15 and between December 15 and January 15 of any year.
2. Work located within $2\frac{1}{2}$ miles of an active bald eagle nest that will require more than 2 days to complete shall only occur to between August 15 and September 15 and between December 15 and January 15 of any year.
3. Work located greater than $\frac{1}{2}$ mile from an active bald eagle nest that will require 2 days or less to complete shall only occur between June 15 and September 15, and between December 15 and May 15 of any year.
4. Work located greater than $2\frac{1}{2}$ miles from an active bald eagle nest shall only occur between June 15 and September 15, and between December 15 and May 15 of any year.

b. For the Pend Oreille River work with impact pile driving:

1. Work located within 1 mile of an active bald eagle nest shall only occur between August 15 and September 15 and between December 15 and January 15 of any year.
2. Work located within $2\frac{1}{2}$ miles of an active bald eagle nest that will require more than 2 days to complete shall only occur to between August 15 and September 15 and between December 15 and January 15 of any year.
3. Work located greater than 1 mile from an active bald eagle nest that will require 2 days or less to complete shall only occur between June 15 and September 15, and between December 15 and May 15 of any year.
4. Work located greater than $2\frac{1}{2}$ miles from an active bald eagle nest shall only occur between June 15 and September 15, and between December 15 and May 15 of any year.

c. For Lake Chelan work without impact pile driving:

1. Work located within $\frac{1}{2}$ mile of an active bald eagle nest shall only occur between December 1 and January 15 of any year when done in the dry and when the lake elevation is below 1094 feet (NGVD).
2. Work located within $2\frac{1}{2}$ miles of an active bald eagle nest that will require more than 2 days to complete shall only occur to between December 1 and January 15 of any year when done in the dry and when the lake elevation is below 1094 feet (NGVD).
3. Work located greater than $\frac{1}{2}$ mile from an active bald eagle nest that will require 2 days or less to complete shall only occur between July 1 and August 15. Work done in the dry, when

the lake elevation is below 1094 feet (NGVD), may occur between December 1 and May 15 of any year.

4. Work located greater than 2½ miles from an active bald eagle nest shall only occur between July 1 and August 15. Work done in the dry, when the lake elevation is below 1094 feet (NGVD), may occur between December 1 and May 15 of any year.

c. For Lake Chelan work with impact pile driving

1. Work located within 1 mile of an active bald eagle nest shall only occur between December 1 and January 15 of any year when done in the dry and when the lake elevation is below 1094 feet (NGVD).

2. Work located within 2½ miles of an active bald eagle nest that will require more than 2 days to complete shall only occur to between December 1 and January 15 of any year when done in the dry and when the lake elevation is below 1094 feet (NGVD).

3. Work located greater than 1 mile from an active bald eagle nest that will require 2 days or less to complete shall only occur between July 1 and August 15. Work done in the dry, when the lake elevation is below 1094 feet (NGVD), may occur between December 1 and May 15 of any year.

4. Work located greater than 2½ miles from an active bald eagle nest shall only occur between July 1 and August 15. Work done in the dry, when the lake elevation is below 1094 feet (NGVD), may occur between December 1 and May 15 of any year.

2. Work in the Dry. All work shall occur in the dry whenever practicable. Bank stabilization work shall only occur in the dry.

3. Operation of Equipment. Equipment shall be operated from the top of the bank, dry gravel bar, work platform, or similar out-of-water location whenever possible. Equipment shall be operated in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until it has been adequately repaired. No equipment may be stored or fueled within 100 feet of the waterbody.

4. Compensatory Mitigation. Appropriate and practicable compensatory mitigation shall be required to the extent necessary to ensure that the authorized activities would not have more than a minor adverse impact on the aquatic environment. The permittee must establish and preserve mitigation at the project site for the duration that the authorized activity is in place.

For overwater structures on Lake Chelan, the following mitigation is required: The Corps must approve the permittee's mitigation plan (include plan view drawing of mitigation and construction notes). Mitigation shall be completed within 1 year of permit issuance. One of the following mitigation types is required:

Plant overhanging native vegetation along the shoreline immediately landward of OHW in a plot 20-feet long by 10-feet wide. (See notes below for requirements).

OR

Remove 10 linear feet of hardened shoreline and plant overhanging native vegetation in the removal area in a plot 10 feet long by 10 feet wide.

OR

Remove 100 square feet of existing in-water human made structures (e.g., pier, piling, human made debris, concrete, asphalt, etc).

OR

Place woody debris as prescribed by the Washington State Department of Fish and Wildlife.

Notes - Mitigation Planting Requirements:

Plant native shrubs (*Salix sitchensis*, *Salix scouleriana*, *Salix exigua*, *Salix prolixa*, *Salix lasiandra*, *Cornus stolonifera*) and trees (*Populus trichocarpa*, *Pseudotsuga menzeisii*). Shrubs will be planted at 3 feet on center, and trees will be planted at 10 feet on center. Monitoring reports with photographs of the planting area must be submitted to the Corps annually for three years beginning one year after the Corps issues the permit. Monitoring reports must include information on the percent of plants replaced by species and state what caused plant failure. One hundred percent survival is required during first and second years after planting. During the third year, 80 percent survival is required for shrubs and 100 percent for trees. Non-native, invasive plant species shall not exceed 10% coverage during three year monitoring period. Plants that die must be replaced with native species taken from list above.

OR

When none of the above mitigation methods are practicable, an in-lieu fee for mitigation will be considered on a case by case basis.

5. Disturbance of Vegetation. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted species appropriate for the site. Details of planting and monitoring plans shall be submitted with the application as described under "Application Procedure" paragraph 3. on page 4 of this RGP.

6. Location Restrictions. No fill permitted herein shall be placed in wetlands. No structure permitted herein shall be installed within 100 feet of the mouth of any river, stream or creek, or within 300 feet of the mouth of Slate, Indian, Sullivan, Mill, Cedar, Tacoma, Ruby, Calispell, and Le Clerk Creeks or in the SW ¼ of Section 29 and the NW ¼ of Section 32, Township 32N, Range 45E, in the Pend Oreille River or within 300 feet of the mouth of the Stehekin River, and Fish, Prince, Railroad, Safety Harbor and Twentyfive Mile Creeks in Lake Chelan. Non-fill structure placement in or over wetlands shall be limited to the minimum amount necessary.

7. Disposal. All construction debris and dredged material will be disposed in an upland location in such a manner that it cannot enter waters of the United States, including wetlands.

8. Chemical Restrictions. Creosote, pentachlorophenol (Penta), copper naphthalene, or other leachable protection chemicals shall not be used to treat piling and lumber.

GENERAL CONDITIONS

1. Reliance on Permittee's Information. In verifying a permittee's authorization under this RGP, the Department of the Army has relied, in part, on the information provided by the permittee. If this information proves to be false, incomplete, or inaccurate, the permittee's authorization may be modified, suspended, or revoked, in whole or in part.

2. Compliance with Terms and Conditions. Projects authorized by this RGP shall comply with all terms and conditions herein and any case-specific conditions added by the Corps or by the state or a tribe as a result of a Water Quality Certification or Coastal Zone Management consistency determination. Failure to abide by these terms and conditions invalidates this authorization and may result in a violation of federal law, which may require that the permittee restore the site or take other remedial action. Activities requiring Department of the Army authorization that are not specifically authorized by this RGP are prohibited unless authorized by another Department of the Army permit.
3. Contractor's Copy of Permit. The permittee shall provide complete copies of this permit, including project construction drawings, and the Corps verification letter for the authorized project to each contractor involved in the project and keep copies of this permit and Corps verification letter available for inspection at the project site.
4. Compliance Certification. Every permittee shall submit to the Corps, within 30 days of completing the authorized work, certification that the work, including the status of any required compensatory mitigation, was conducted in accordance with the provisions of this RGP, including case-specific special conditions. Permittees must use the "Statement of Compliance" form included in Appendix B of this RGP.
5. Access for Inspection. The permittee shall allow the District Engineer or his authorized representative to inspect the project whenever deemed necessary to assure that the activity is in compliance with the terms and conditions prescribed herein.
6. Limits of Authorization. This permit does *not*:
 - a. Obviate the requirement to obtain all state, local, or other federal authorizations required by law for the activity authorized herein, including any authorization required from Congress.
 - b. Convey any property rights, either in real estate or material, or any exclusive privileges.
 - c. Authorize any injury to property, invasion of rights, or any infringement of federal, state, or local laws or regulations.
 - d. Authorize the interference with any existing or proposed federal project.
7. Limits of Federal Liability. This permit is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose; a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. In issuing this RGP, the Federal Government does not assume any liability for the following:
 - a. Design or construction deficiencies associated with the authorized work.
 - b. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes, such as flooding.
 - c. Damages to persons, property, or to other permitted or unauthorized activities or structures caused by the activity authorized by this permit.

- d. Damages associated with any future modification, suspension, revocation of this permit.
 - e. The removal, relocation, or alteration of any structure or work in navigable waters of the United States ordered by the Secretary of the Army or his authorized representative.
 - f. Damage to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.
8. Tribal Rights. No activity may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. Corps Coordination. Permittees shall coordinate with the appropriate office of the Corps prior to commencing any construction activity in a federally maintained channel and/or waterway.
10. Obstruction of Navigation. Permittees understand and agree that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work unreasonably obstructs the full and free use of navigable waters of the United States, the permittee shall, upon due notice from the Corps, remove, relocate, or alter the obstructions caused thereby, without expense to the United States. If the permittee fails to comply with the direction of the Corps, the District Engineer may restore the navigable capacity of the waterway, by contract or otherwise, and recover the cost thereof from the permittee. (Section 10)
11. Stability. Permittees shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
12. Maintenance. Permittees shall properly maintain all authorized structures and fills, including maintenance necessary to ensure public safety.
13. Marking Structures. Permittees shall install and maintain any lights, signals, or other appropriate markers necessary to clearly designate the location of structures or work that might pose a hazard to public safety. Permittees shall abide by U.S. Coast Guard requirements concerning the marking of structures and work in navigable waters of the United States. (Section 10)
14. Endangered Species. This RGP does not authorize any activity that is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act (ESA). In addition, this RGP does not authorize any activity that is likely to destroy or adversely modify designated or proposed critical habitat as identified under the ESA. Prospective permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected by, or is in the vicinity of, the project and shall not begin work until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized.
15. Historic Properties. This RGP does not authorize any activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) until the provisions of 33 CFR 325, Appendix C, have been satisfied. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest. A prospective permittee must notify the District Engineer if the proposed activity may affect an historic property that is listed, eligible for listing, or may be eligible for listing in the NRHP, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. If a

previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately (within 1 calendar day) notify the Corps and avoid any further impact to the property until the District Engineer verifies that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status unless the appropriate federal agency (e.g. National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service), with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.
17. Water Quality Standards. All activities authorized herein that involve a discharge of dredged or fill material into waters of the United States shall, at all times, remain consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards, and management practices established pursuant to the Clean Water Act (P.L. 92-500; 86 Stat. 816) or pursuant to applicable state and local law. (Section 404)
18. Minimization of Environmental Impact. Permittees shall make every reasonable effort to conduct the authorized activities in a manner that minimizes the adverse impact of the work on water quality, fish and wildlife, and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, shellfish beds, and aquatic resource buffer zones.
19. Soil Erosion and Sediment Controls. Permittees shall use and maintain appropriate erosion and sediment controls in effective operating condition and permanently stabilize all exposed soil and other fills, including any work below the ordinary high water mark, at the earliest practicable date using native vegetation to the maximum extent practicable. The permittee shall remove all installed controls as soon as they are no longer needed to control erosion or sediment.
20. Aquatic Life Movements. Permittees shall not substantially disrupt the necessary life-cycle movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the primary purpose of the activity is to temporarily impound water.
21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain downstream flow conditions. Furthermore, the activity shall not permanently restrict or impede the passage of normal or expected high flows unless the primary purpose of the fill is to temporarily impound water. Permittees should limit the work conducted in waters of the United States to low- or no-flow periods.
22. Water Supply Intakes. Permittees shall ensure that activities authorized by this RGP have no more than a minimal adverse impact on public water supply intakes.
23. Practicable Alternatives. Activities authorized by this RGP shall be designed and constructed to avoid and minimize adverse impacts to waters of the United States to the extent practicable through the use of practicable alternatives. Alternatives that shall be considered include those that minimize the number and extent of discharges of dredged or fill material into waters of the United States.

24. Suitable Material. Any material or structure placed in waters of the United States, whether temporary or permanent, shall be free of toxic pollutants in toxic amounts. (Section 404)
25. Disposal of Excess Material. All construction debris and any other material not authorized by the Corps for permanent placement into waters of the United States shall be disposed of in an upland location in a manner that precludes it from entering waters of the United States. (Section 404)

Modification, suspension, or revocation of the RGP: This RGP may be modified, suspended, or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that the individual or cumulative impacts of work that would be authorized using this procedure are contrary to the public interest. Any such modification, suspension, or revocation shall become effective 30 days after the issuance of a public notice announcing such action. The final decision whether to modify, suspend, or revoke this permit, in whole or in part, shall be made pursuant to procedures prescribed by the Chief of Engineers. Following such revocation, any future activities heretofore authorized by this RGP will require alternate Department of the Army authorization.

The authorization of an individual project under this RGP may also be summarily modified, suspended, or revoked, in whole or in part, if the permittee either fails to abide by the terms and conditions of this permit or provides information that proves to be false, incomplete, or inaccurate, or, upon a finding by the District Engineer that such action would be in the public interest. If a permittee's authorization is revoked, the permittee shall, upon notice of such revocation, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

Expiration of the RGP: This permit shall become effective on the date of the signature of the District Engineer or her authorized representative and will automatically expire five years from that date unless the permit is modified, revoked, or extended prior to that date. Activities that have commenced (e.g., are under construction) or are under contract to commence in reliance upon this permit will remain authorized provided that the activity is completed within one year of the date of this permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

25 July 2005

Date

Michelle Walker for

DEBRA M. LEWIS
Colonel, Corps of Engineers
District Engineer

APPENDIX A**Application Form for RGP 4***Version: 27 September 2005*

Please fully complete this form and attach vicinity, plan and elevation drawings and any other relevant information. Submit the information to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, Washington 98124-3755.

SECTION A - Eligibility for RGP**1. Eligibility for RGP**

- a. Corps reference number: _____ [To be completed by the Corps]
- b. This application:
- ☐ Meets all of the requirements of RGP 4.
- ☐ Does not meet all of the requirements of RGP 4. This form constitutes an application for an individual permit and a reference biological evaluation in association with USFWS (Wenatchee) reference: 05-0206 (Spokane) reference: 1-9-03-I-003

SECTION B - General Information**2. Applicant name:**

Mailing address:

Work phone:

Home phone:

Email:

Fax:

Joint-use applicant name:

Mailing address:

Work phone:

Home phone:

Email:

Fax:

3. Authorized agent name:

Mailing address:

Work phone:

Home phone:

Email:

Fax:

4. Location where proposed work will occur (street address, city, county):

Location of joint-use property (street address, city, county):

Waterbody:

 $\frac{1}{4}$ Section,

Section,

Township,

Range,

Latitude

Longitude

5. Work Type: Please check the appropriate box(es):

- ☐ Drive float anchor piling for noncommercial use.
- ☐ Installation of floats with or without access ramps for noncommercial use.
- ☐ Construction of a small pier for noncommercial use.
- ☐ Discharge of a maximum of 10 cubic yards of material for pile footings.
- ☐ Discharge of fill material for minor bank stabilization projects.
- ☐ The placement of large woody debris and associated discharges of dredged or fill material if such placement is a condition of a hydraulic project approval issued by the State of Washington Department of Fish and Wildlife (WDFW) for any of the types of work listed above.
- ☐ Maintenance of any work authorized by this Regional Permit or by a previously issued Department of the Army permit.

SECTION C – RGP Conditions

Place an X in the “Yes” column if you agree to implement the requirement or an X in the “No” column if you will not implement the requirement. Place an X in the “N/A” column if the requirement is not applicable to your project.

If you checked “No” you must explain why you cannot meet this condition in the Specific Project Information column. Note: If you checked “No” for any box, then the work cannot be authorized by this RGP but this form can be used to complete Endangered Species Act consultation.

Yes	No	N/A	RGP Conditions	Specific Project Information (complete if “No” was checked)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Maintenance:</u> 1. Any maintenance performed on an authorized structure shall not change the size or configuration from that which was originally authorized unless the changes are environmentally beneficial and reduce the size of the structure.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. No paint, stain, preservative or other protective coating application shall occur while the structure is in or over the water body, and any such application shall be completely cured prior to the structure being returned to the water. (Also refer to Special Condition 8.)	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Piers and Floats:</u> 1. This permit authorizes only one pier and/or float system, including an access ramp if necessary, per upland private property. This property must front the navigable water. Submerged structural components of piers, ramps and floats, including framing and cross bracing shall be minimized to that which is required for structural stability.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. This permit authorizes joint-use piers and/or floats constructed by more than one private property owner fronting the shoreline. Joint-use properties shall front the waterway. All affected joint-use property owners must sign a legal agreement to construct a joint-use pier or install floats. A copy of this agreement must be submitted with the application. Joint-use structures will be proposed whenever possible.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Piers and/or floats shall not extend more than 55 feet waterward (toward the middle of the waterway) of the ordinary high waterline. A float system must be held in place by piling or other fixed structures, and may be made up of more than one individual float.	

Yes	No	N/A	RGP Conditions	Specific Project Information (complete if "No" was checked)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Only open pile pier construction is authorized. Piling shall be structurally sound and cured prior to placing in the water. (Also refer to Special Condition 8.)	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Total deck area of pier(s), float(s), ramp(s), and existing structures waterward of the ordinary high waterline shall not exceed 320 square feet for each single use structure. Total deck area of pier(s), float(s), ramp(s), and existing structures waterward of the ordinary high waterline, shall not exceed 450 square feet for joint-use piers and floats. The width of any individual section of deck shall not exceed 8 feet for floats and piers, and 4 feet for ramps. Decking shall be installed so that a minimum ½ inch space is left between deck planks.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Floats shall be designed so as to contain the flotation material under all conditions.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. No other structures such as living quarters, toilets, fueling facilities, carpeting or covered boat moorage shall be constructed or installed on any pier or float.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Piling:</u> 1. Fill around piling may only be used when the condition of the substrate prevents the use of driven piles. Fill material is limited to clean rock and concrete. The total amount of fill used to secure all piles associated with a structure shall not exceed 10 cubic yards, but is limited to the minimum amount necessary to secure the piles. Concrete footings must be poured in tightly sealed forms.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Piling shall be driven within 55 feet of the ordinary high waterline.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Piling shall be structurally sound and cured prior to placing in the water. (Also refer to Special Condition 8.)	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. For steel piles 10 inches in diameter or less, a block or layers of wood at least 6 inches thick between the pile driver and pile or a bubble curtain shall be used during driving. For steel piles greater than 10 inches in diameter, both 6 inches of wood between pile driver and pile, and a bubble curtain shall be used during driving.	

Yes	No	N/A	RGP Conditions	Specific Project Information (complete if "No" was checked)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Bank Stabilization:</u> 1. No material is placed in excess of the minimum needed for erosion protection.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. The bank stabilization activity does not exceed 250 feet in length.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. The activity does not exceed an average of one-half cubic yard of material per running foot placed along the bank below the plane of the ordinary high water mark.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. No material is placed in wetlands or in a manner that will be eroded by normal or expected high flows.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. All work associated with a bank stabilization activity must be completed in the dry, when the elevation of the water surface is below the elevation of the proposed work.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Properly installed and maintained silt fencing must be used between the construction area and the water surface and removed when construction is completed.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Bank stabilization activity must incorporate least environmentally damaging bank protection methods that include, but are not limited to, biotechnical design and native vegetation plantings.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. The bank stabilization activity must be part of a single and complete project.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Work Windows.</u> In-water work that disturbs the substrate, bank, or shore of a water of the United States shall be conducted only during the following work windows: a. <u>For The Pend Oreille River work without impact pile driving:</u> 1. Work located within ½ mile of an active bald eagle nest shall only occur between August 15 and September 15 and between December 15 and January 15 of any year.	

Yes	No	N/A	RGP Conditions	Specific Project Information (complete if "No" was checked)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Work located within 2½ miles of an active bald eagle nest that will require more than 2 days to complete shall only occur to between August 15 and September 15 and between December 15 and January 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Work located greater than ½ mile from an active bald eagle nest that will require 2 days or less to complete shall only occur between June 15 and September 15, and between December 15 and May 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Work located greater than 2½ miles from an active bald eagle nest shall only occur between June 15 and September 15, and between December 15 and May 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Work Windows.</u> b. <u>For the Pend Oreille River work with impact pile driving:</u> 1. Work located within 1 mile of an active bald eagle nest shall only occur between August 15 and September 15 and between December 15 and January 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Work located within 2½ miles of an active bald eagle nest that will require more than 2 days to complete shall only occur to between August 15 and September 15 and between December 15 and January 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Work located greater than 1 mile from an active bald eagle nest that will require 2 days or less to complete shall only occur between June 15 and September 15, and between December 15 and May 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Work located greater than 2½ miles from an active bald eagle nest shall only occur between June 15 and September 15, and between December 15 and May 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Work Windows.</u> c. <u>For Lake Chelan work without impact pile driving:</u> 1. Work located within ½ mile of an active bald	

Yes	No	N/A	RGP Conditions	Specific Project Information (complete if "No" was checked)
			eagle nest shall only occur between December 1 and January 15 of any year when done in the dry and when the lake elevation is below 1094 feet (NGVD).	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Work located within 2½ miles of an active bald eagle nest that will require more than 2 days to complete shall only occur to between December 1 and January 15 of any year when done in the dry and when the lake elevation is below 1094 feet (NGVD).	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Work located greater than ½ mile from an active bald eagle nest that will require 2 days or less to complete shall only occur between July 1 and August 15. Work done in the dry, when the lake elevation is below 1094 feet (NGVD), may occur between December 1 and May 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Work located greater than 2½ miles from an active bald eagle nest shall only occur between July 1 and August 15. Work done in the dry, when the lake elevation is below 1094 feet (NGVD), may occur between December 1 and May 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Work Windows.</u> d. <u>For Lake Chelan work with impact pile driving</u> 1. Work located within 1 mile of an active bald eagle nest shall only occur between December 1 and January 15 of any year when done in the dry and when the lake elevation is below 1094 feet (NGVD).	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Work located within 2½ miles of an active bald eagle nest that will require more than 2 days to complete shall only occur to between December 1 and January 15 of any year when done in the dry and when the lake elevation is below 1094 feet (NGVD).	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Work located greater than 1 mile from an active bald eagle nest that will require 2 days or less to complete shall only occur between July 1 and August 15. Work done in the dry, when the lake elevation is below 1094 feet (NGVD), may occur between December 1 and May 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Work located greater than 2½ miles from an active bald eagle nest shall only occur between July 1 and August 15. Work done in the dry, when the	

Yes	No	N/A	RGP Conditions	Specific Project Information (complete if "No" was checked)
			lake elevation is below 1094 feet (NGVD), may occur between December 1 and May 15 of any year.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. All work shall occur in the dry whenever practicable. Bank stabilization work shall only occur in the dry.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Equipment shall be operated from the top of the bank, dry gravel bar, work platform, or similar out-of-water location whenever possible. Equipment shall be operated in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until it has been adequately repaired. No equipment may be stored or fueled within 100 feet of the waterbody.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>4. For overwater structures on Lake Chelan, the following mitigation is required: The permittee must establish and preserve mitigation at the project site for the duration that the overwater structure (single and joint use dock) is in place. The Corps must approve the permittee's mitigation plan (include plan view drawing of mitigation and construction notes). Mitigation shall be completed within 1 year of permit issuance. One of the following mitigation types is required: (Check the type of mitigation you have selected to implement)</p> <p><input type="checkbox"/> Plant overhanging native vegetation along the shoreline immediately landward of OHW in a plot 20-feet long by 10-feet wide. (See notes below for requirements).</p> <p>OR</p> <p><input type="checkbox"/> Remove 10 linear feet of hardened shoreline and plant overhanging native vegetation in the removal area in a plot 10 feet long by 10 feet wide.</p> <p>OR</p> <p><input type="checkbox"/> Remove 100 square feet of existing in-water human made structures (e.g., pier, piling, human made debris, concrete, asphalt, etc).</p> <p>OR</p> <p><input type="checkbox"/> Place woody debris as prescribed by the Washington State Department of Fish and Wildlife.</p> <p><u>Notes - Mitigation Planting Requirements:</u> Plant native shrubs (<i>Salix sitchensis</i>, <i>Salix scouleriana</i>,</p>	

Yes	No	N/A	RGP Conditions	Specific Project Information (complete if "No" was checked)
			<p>Salix exigua, Salix prolixa, Salix lasiandra, Cornus stolonifera) and trees (Populus trichocarpa, Pseudotsuga menzeisii). Shrubs will be planted at 3 feet on center, and trees will be planted at 10 feet on center. Monitoring reports with photographs of the planting area must be submitted to the Corps annually for three years beginning one year after the Corps issues the permit. Monitoring reports must include information on the percent of plants replaced by species and state what caused plant failure. One hundred percent survival is required during first and second years after planting. During the third year, 80 percent survival is required for shrubs and 100 percent for trees. Non-native, invasive plant species shall not exceed 10% coverage during three year monitoring period. Plants that die must be replaced with native species taken from list above.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>5. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted species appropriate for the site.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>6. No fill permitted herein shall be placed in wetlands. No structure permitted herein shall be installed within 100 feet of the mouth of any river, stream or creek, or within 300 feet of the mouth of Slate, Indian, Sullivan, Mill, Cedar, Tacoma, Ruby, Calispell, and Le Clerk Creeks or in the SW ¼ of Section 29 and the NW ¼ of Section 32, Township 32N, Range 45E, in the Pend Oreille River, and the Stehekin River and Fish, Prince, Railroad, Safety Harbor and Twentyfive Mile Creeks in Lake Chelan. Non-fill structure placement in or over wetlands shall be limited to the minimum amount necessary.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>7. All construction debris and dredged material shall be disposed in an upland location in such a manner that it cannot enter waters of the United States, including wetlands.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>8. Creosote, pentachlorophenol (Penta), or copper naphthalene shall not be used to treat piling and lumber.</p>	

If the applicant has checked “Will Not Implement” for any of the above items, then the following items must be completed by the applicant:

☐ Explain why you cannot meet all of the above items: _____

☐ Based on the existing environmental conditions and the proposed work, the applicant is proposing additional mitigation (beyond the requirements of Construction Specification 16) as described below: _____

APPLICATION IS HEREBY MADE FOR A PERMIT OR PERMITS TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS APPLICATION, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUCH INFORMATION IS TRUE, COMPLETE AND ACCURATE. I FURTHER CERTIFY THAT I POSSESS THE AUTHORITY TO UNDERTAKE THE PROPOSED ACTIVITIES. I HEREBY GRANT TO THE AGENCIES TO WHICH THIS APPLICATION IS MADE, THE RIGHT TO ENTER THE ABOVE-DESCRIBED LOCATION TO INSPECT THE PROPOSED, IN-PROGRESS OR COMPLETED WORK. I VOLUNTARILY AGREE TO MEET ALL REQUIREMENTS OF THIS RGP. I AGREE TO START WORK ONLY AFTER ALL NECESSARY PERMITS HAVE BEEN RECEIVED.

Signature of Applicant

Date

Signature of Co-Applicant

Date

Signature of Authorized Agent

Date

APPENDIX B**Statement of Compliance Form**
Regional General Permit CENWS-OD-RG-RGP-4

Within 30 days of completing the authorized work, you must fill out and sign this statement of compliance form and submit it to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-3755.

1. Corps Reference Number: _____ (refer to your RGP verification letter)
2. Permittee's name, address, and telephone number:
3. Contractor's name, address, telephone number, and point of contact:
4. Specific location of project area:
Name of Waterway _____
Street Address _____
Section _____ Township _____ Range _____
Latitude _____ Longitude _____
City/County _____, Washington State
5. Description of completed work (if applicable, attach as-built drawings and/or written explanation if the completed work varies from the original plans, the drawings must include information as detailed on Appendix B – Drawing Checklist)
6. Status of mitigation work (if required): _____

7. Dates of Work: The work was initiated on _____ and completed on _____.

I hereby certify that I have conducted the above-described work in compliance with the terms and conditions of this permit, including any project-specific conditions required by the District Engineer to ensure that this work would have no more than minimal adverse impact on the aquatic environment. I further certify that I have fully implemented any compensatory mitigation required by the District Engineer as a condition of this authorization.

Signature of Permittee_____
Date